

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUL -7 AM 11:18

UNITED STATES OF AMERICA,

Plaintiff,

v.

Reymundo MUNOZ-Ortega,

Defendant

) Magistrate Docket No.

) 08 MJ 2055 LNH

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

) Attempted Entry After

) Deportation

The undersigned complainant, being duly sworn, states:

On or about **July 4, 2008** within the Southern District of California, defendant, **Reymundo MUNOZ-Ortega**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the San Ysidro, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

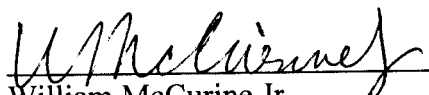
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **JULY, 2008**.



William McCurine, Jr.

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Reymundo MUNOZ-Ortega

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On July 4, 2008 at approximately 1:55 P.M., United States Border Patrol Agent A. Gonzalez was performing line watch duties in the Imperial Beach Border Patrol Station area of operations. Agent Gonzalez observed two individuals, one later identified as the defendant **Reymundo MUNOZ-Ortega**, cross through the United States/Mexico International Boundary Fence and proceed north along the beach, in an area known as "Whiskey 15". "Whiskey 15" is approximately 5 miles west of the San Ysidro, California, Port of Entry and directly north of the United States/Mexico International Boundary Fence. "Whiskey 15" is an area commonly used by illegal aliens to further their illegal entry into the United States.

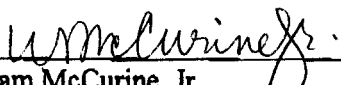
Agent Gonzalez approached the defendant and identified himself as a United States Border Patrol Agent. Agent Gonzalez questioned the defendant as to his country of citizenship and nationality. The defendant freely admitted that he was a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally. At approximately 2:15pm, Agent Gonzalez arrested the defendant and subsequently had him transported to the Imperial Beach Border Patrol Station for processing.

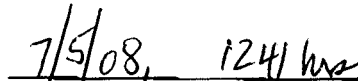
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on March 19, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on July 5, 2008 at 10:00 a.m.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 4, 2008, in violation of Title 8, United States Code, Section 1326.


William McCurine, Jr.
United States Magistrate Judge


Date/Time